

**Officer Involved Shooting of Anthony Villa  
Huntington Park Police Department**

**Sergeant Christopher Lisner, #5211  
Detective Gerardo Prado, #5259**

**J.S.I.D. File #16-0184**



**JACKIE LACEY**

**District Attorney**

**Justice System Integrity Division**

**November 27, 2017**

## MEMORANDUM

TO: CHIEF COSME LOZANO  
Huntington Park Police Department  
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Huntington Park, California 90255

CAPTAIN CHRISTOPHER BERGNER  
Los Angeles County Sheriff's Department  
Homicide Bureau  
One Cupania Circle  
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION  
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Anthony Villa  
J.S.I.D. File #16-0184  
L.A.S.D. File #016-05500-0244-055

DATE: November 27, 2017

The Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office has completed its review of the April 15, 2016, non-fatal shooting of Anthony Villa by Huntington Park Police Department (HPPD) Sergeant Christopher Lisner and Detective Gerardo Prado. We have determined that Sergeant Lisner and Detective Prado acted in lawful self-defense and the defense of another when they fired their duty weapons.

The District Attorney's Command Center was notified of this shooting on April 15, 2016, at approximately 10:50 p.m. The District Attorney Response Team responded to the location of the shooting where they received a briefing and walk-through of the scene.

The following analysis is based on reports, recorded interviews, surveillance videos, and photographs submitted to this office by the Los Angeles County Sheriff's Department (LASD) Homicide Bureau. No compelled statements were considered for purposes of this analysis.

### **FACTUAL ANALYSIS**

On April 15, 2016, Detective Prado and his partner, Sergeant Lisner, were assisting a homicide investigation and were assigned to conduct surveillance of a house located on the [REDACTED] block of Leo Avenue in Commerce. Both Lisner and Prado were dressed in clothing that clearly identified them as police officers, including vests with embroidered badges, and shirts with HPPD shoulder patches. Lisner was driving an unmarked gray Dodge Charger with tinted windows and Prado was seated in the right front passenger seat.

They arrived at the location at approximately 9:30 p.m. Lisner parked the Charger in front of [REDACTED] Leo Avenue, about a block and a half south of the target location. When Lisner parked the Charger, Lisner and Prado saw two men, one of whom was later identified as Anthony Villa, standing in the driveway of [REDACTED] Leo Avenue, which was across the street and one house north of their location. The two men were looking in their direction. A Nissan Altima was parked in the driveway of the residence, backed in facing the street. The two men entered the Altima and slowly drove southbound on Leo Avenue toward and passed the Charger, as the Altima shined its high beams on the Charger, as if trying to illuminate the occupants.

About five minutes later, the Altima returned northbound on Leo Avenue and backed into the driveway. The two men exited the Altima and began pacing back and forth in the front yard, looking in the direction of Lisner and Prado, who were still seated in their Charger. The men then went into the residence and slammed the front door behind them. About two minutes later, the same men walked out of the residence and proceeded toward the back of the driveway where it was dark. A few minutes later, they came out of the darkness and the driver of the Altima went up on the front porch and began looking in their direction again. Soon thereafter, Villa, the passenger of the Altima, walked at a fast pace across the street directly toward Lisner's driver's side window.



Location of Dodge Charger in relation to residence Villa emerged from before the shooting.

Believing Villa was going to confront them and expose their cover as police officers, Prado and Lisner un-holstered their service weapons. Lisner lowered the driver's window and illuminated Villa using the flashlight attached to his gun. Villa quickly approached the driver's door and from about a foot or two away, he pulled up his shirt and removed a chrome semiautomatic pistol

from his waistband. Villa was close enough that Lisner reached out the window with his left hand and grabbed Villa's gun as the barrel was parallel to the ground with the muzzle pointed away from Lisner. Believing that Villa was going to shoot him, Lisner tried to pin the barrel of Villa's gun against Villa's body away from him. Lisner believed he was losing control of Villa's gun. Villa turned his body and moved the muzzle of the gun in Lisner's direction. Lisner released his grasp on Villa's gun and fired several rounds at Villa through his open driver's window.<sup>1</sup> Lisner remained seated in the car and tried to take cover behind the door frame.

Prado exited the passenger's door as he saw Villa draw a handgun from his waistband. As Prado was getting out of the Charger, he believed that he or his partner would be shot and then he heard a gunshot. Believing that Villa had shot Lisner, he immediately began firing at Villa over the roof of the car. Villa began moving away in a southwestern direction, while facing approximately north. Prado moved south toward the rear of the Charger, as he continued firing at Villa. Prado believed he fired four to five gunshots. Prado saw Villa was still holding his handgun in his right hand. At this point, Prado believed Lisner had been shot because he had not exited the car. Prado waited a second or two and, as Villa was in the middle of the street, Villa began to turn toward Lisner. Prado fired three more gunshots at Villa believing that he was going to shoot Lisner.<sup>2</sup>

Villa dropped his handgun, fell to the ground, and crawled to the west sidewalk just south of [REDACTED] Leo Avenue. After all the shots were fired, Lisner exited the Charger and Prado saw the driver of the Altima run into the house or west down the driveway.<sup>3</sup> Lisner approached Villa and held him at gunpoint, while Prado took cover behind a car to watch the driveway for the driver of the Altima. People from the residence began coming out and yelling. Prado and Lisner identified themselves as police officers to the residents of the house.<sup>4</sup> East Los Angeles Sheriff's patrol units and Huntington Park units began to arrive, and the residents went back inside the house.

Prado requested paramedics for Villa. Paramedics responded, treated Villa at the scene, and transported him to the hospital. Villa sustained gunshot wounds to the abdomen, left shoulder, and right hip. It is unknown whether one or both officers' rounds struck Villa.<sup>5</sup>

### **Statement of Anthony Villa**

On the morning of April 16, 2016, LASD investigators interviewed Anthony Villa at the hospital. Villa told LASD investigators that he thought the individuals in the Charger were gang members. He said the windows were tinted, but he saw "two heads" inside the Charger. Villa

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<sup>1</sup> Lisner's service weapon was a .45 caliber semiautomatic pistol. Based on the number of rounds remaining in the magazine of the gun and casings recovered at the scene, it was determined that Lisner fired six rounds.

<sup>2</sup> Prado's service weapon was a .40 caliber semiautomatic pistol. Based on the number of rounds remaining in the magazine and casings recovered at the scene, it appears that Prado fired seven or eight rounds (seven .40 caliber casings were recovered, but if the magazine was fully loaded prior to the shooting, then eight rounds were fired).

<sup>3</sup> Another male was detained on an adjacent street and was suspected of being the driver of the Altima. He was interviewed and told investigators he knew Villa, but was not with him near the time of the shooting.

<sup>4</sup> Prior to the shooting, neither Lisner nor Prado identified themselves as police officers because of how quickly events transpired.

<sup>5</sup> No bullets or bullet fragments were recovered and preserved by the hospital.



said he was armed with a handgun, but his intentions were only to scare the gang members in the car, not to kill anyone. Villa said he owned the gun for approximately a month, and he had not registered it. Villa said he walked up to the Charger and drew the handgun from his pocket with his right hand. A beam of light flashed him in the eyes. He got scared, backed up, and then the driver's side window rolled down and he was shot several times. Villa said he dropped the gun, fell to the ground, and crawled away.

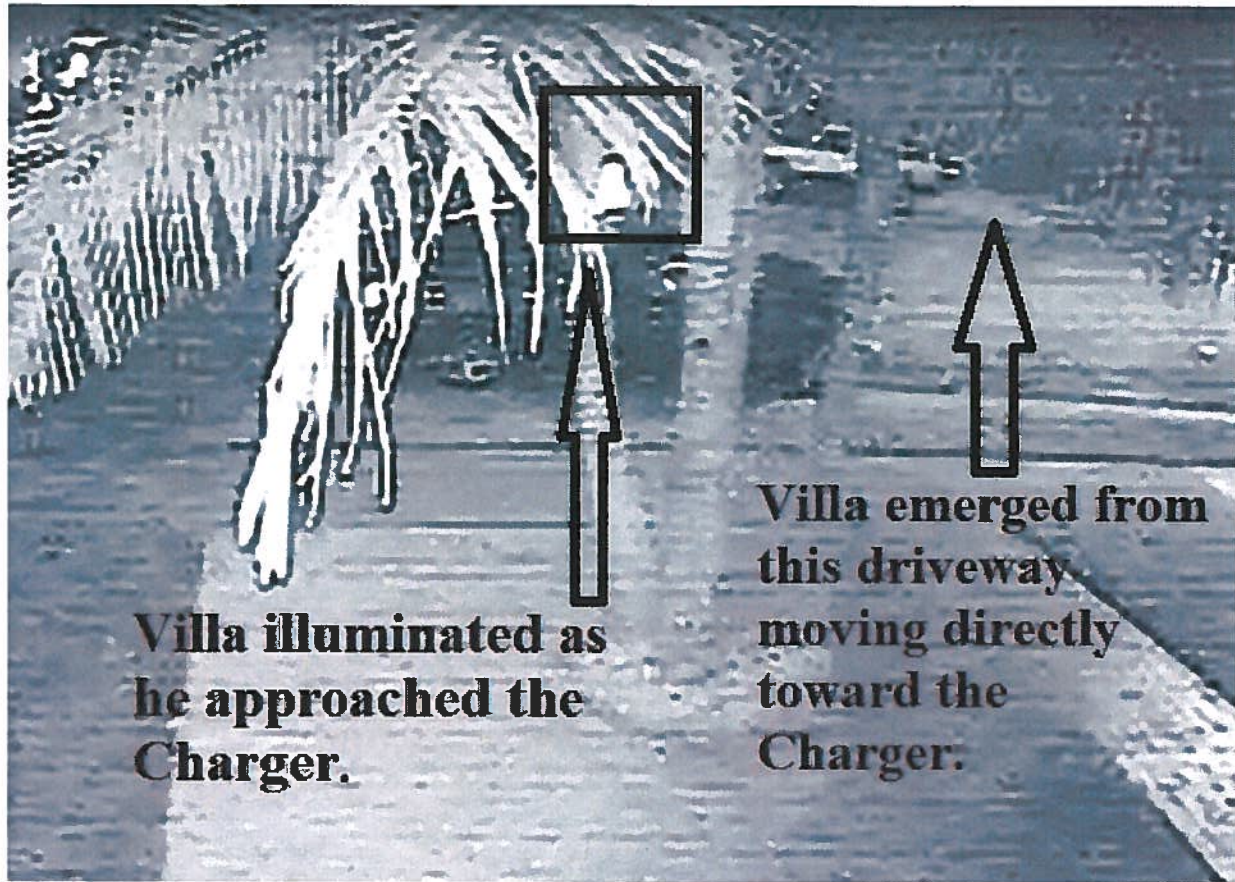
### **Other evidence**

Villa dropped his handgun in the southbound lane of traffic on Leo Avenue and, before the police secured it, a truck drove over the gun. Lisner moved the handgun out of the southbound lane of traffic with his foot. Villa's handgun was photographed in its final resting location before it was secured and booked into evidence. The handgun was determined to be a .380 caliber semiautomatic pistol, loaded with one round in the chamber and five rounds in the magazine. The handgun had the safety in the off position, with the hammer cocked back.



.380 semiautomatic pistol recovered at scene.

Two surveillance cameras attached to the front of the house at [REDACTED] Leo Avenue captured grainy videos of Villa approaching the Charger. The better quality camera depicts Villa step at a quick pace toward the driver's side door of the Charger just before being illuminated by a bright light. Prado is seen exiting the passenger side of the Charger with his gun pointed toward the opposite side of the street. The video did not record any sound from the incident. Approximately seven seconds elapsed from the moment Villa was illuminated by Lisner's flashlight to when Prado lowered his weapon and took cover behind the Charger, and Lisner exited the driver's side of the Charger.



Still image from surveillance camera at [REDACTED] Leo Avenue.

## LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of another if the person claiming the right of self-defense actually and reasonably believed that he was in imminent danger of great bodily injury or death. People v. Randle (2005) 35 Cal.4th 987, 994; People v. Mercer (1962) 210 Cal.App.2d 153, 161.

In protecting himself or another, a person may use that amount of force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent imminent injury. CALCRIM No. 505.

In California, the evaluation of the reasonableness of a police officer's use of deadly force employs a reasonable person acting as a police officer standard. People v. Mehserle (2012) 206 Cal.App.4th 1125, 1146, holding that California law "follows the objective 'reasonable person' standard—the trier of fact is required to evaluate the conduct of a reasonable person in the defendant's position. [Citations omitted] [the jury should consider all relevant circumstances surrounding the defendant's conduct]. This enables the jury to evaluate the conduct of a reasonable person functioning as a police officer in a stressful situation—but this is not the same as following a special 'reasonable police officer' standard."



In evaluating whether a police officer's use of deadly force was reasonable in a specific situation, it is helpful to draw guidance from the objective standard of reasonableness adopted in civil actions alleging Fourth Amendment violations. "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight... The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." Graham v. Connor (1989) 490 U.S. 386, 396-397.

Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. People v. Collins (1961) 189 Cal.App.2d 575.

## CONCLUSION

Lisner and Prado were assigned to conduct an undercover surveillance of a home related to a homicide investigation, and parked their unmarked police car near that location. Soon thereafter, they observed Villa and another man who directed their attention to the officers' car. The two men drove away and returned several minutes later. When the men returned and exited their car, it appeared again that they were looking in the direction of Lisner and Prado, who were still seated in their Charger.

Minutes later, Villa appeared out of the driveway of the residence and went directly toward the Charger. Lisner and Prado believed that Villa was going to confront them and expose their cover as police officers, and they both un-holstered their service weapons. Villa quickly approached Lisner as he remained seated in the driver's seat. Lisner illuminated Villa with the flashlight attached to his service weapon, and saw Villa, now within arms-length, remove a handgun from his waistband area and lift the barrel parallel to the ground. Reasonably believing he was in danger of being shot, he briefly grabbed and attempted to keep the barrel of Villa's gun against Villa's body. Unable to control Villa's weapon and still in fear of being shot, Lisner fired several rounds from a seated position of disadvantage as he tried to take cover behind the car door's post.

Simultaneously, Prado observed Villa remove a gun from his waistband, and immediately exited the car. As he did so, Prado heard a gunshot and believed that Villa had shot Lisner. In fear for his partner's life and his own, he fired several rounds at Villa until he saw Villa drop his handgun.

Both Lisner and Prado's beliefs that they were in imminent danger of being shot were reasonable under the circumstances. Villa approached Lisner and Prado quickly, removed a handgun from his waistband, and raised the barrel. According to Villa's statements to investigators, he intended to scare the occupants, believing they were gang members. Villa's factual mistake in belief is not a valid legal defense to his actions. He posed an immediate and significant danger of death or great bodily injury to Lisner and Prado, and they were both forced to make split-second decisions.

We find that Lisner and Prado's use of deadly force was reasonable to stop the deadly threat posed by Villa. Accordingly, we find that Sergeant Lisner and Detective Prado acted in lawful self-defense and defense of each other when they used deadly force against Anthony Villa. We are closing our file and will take no further action in this matter.